

## PROSECUTION ENDS IN THE THORN CASE.

### TWO VIEWS OF GOTH.

Martin Thorn—Gotha has lied on me. I told him how I had helped Mrs. Nack get rid of the body, and said that I thought I had best give myself up to the police and tell all that I knew. Gotha expected to get a big reward, so he told me to wait a day or two, then notified the police where to find me, and lied on me. Mrs. Nack—Gotha has told the truth. He couldn't have known what he did without Thorn telling him. I don't see how he remembered it so well.

Gotha Tells Again  
the Story of  
the Crime.

HE IS COOL.

The Defence Did Not  
Cross-examine as  
to Details.

Mrs. Nack Not Called as a Witness.  
Thorn Says He Expects to  
Be Convicted.

### THORN SAYS HE IS A DOOMED MAN.

He Announces That He "Can See His Finish," Casts  
Doubt Upon His Counsel and Predicts That He and  
Mrs. Nack Will Be Sentenced to Die Together.

Martin Thorn Presented Last Night a Despairing View of the Sudden  
Close of the State's Side of His Case. He Said:

"I CAN SEE MY FINISH.

I was watching things closely to-day. I don't think my lawyers  
cross-questioned the witnesses enough. Then I saw Mr. Howe and  
that man, Friend, shake hands in the court room. That makes me  
suspicious. And then they didn't put Mrs. Nack on the stand.

"I believe this jury will disagree, and that they'll try both  
Mrs. Nack and me together and convict us both.

"That's what they are up to."

The trial of Martin Thorn for the murder of William Goldensuppe ended  
yesterday, so far as the prosecution was concerned.  
Gotha, the barber, told the dread story of the tragedy in the Woodside  
cottage, which he said Thorn had told to him. There was no attempt to cross-  
examine him on this line.

Mrs. Nack was not put on the stand. Thus once more the plans of the  
defence were upset because Mr. Howe wanted to involve her in the crime as  
deeply as possible.

After adjournment Thorn despaired of escaping the death chair. In the  
evening this feeling changed to anger. After the trial yesterday he gave ex-  
pression to many hard thoughts concerning his lawyer. Last night he talked  
of little else.

"Howe is a traitor," he cried, "I thought I was going to have a fair show  
at his hands, but—that's always the way. You must look out for strange  
dogs; they're always likely to bite."

By Julian Hawthorne.

KEHN was on the stand when court  
opened at the Thorn trial yester-  
day, and conflict began over Mr.  
Young's first question, which concerned  
the useless cartridges. His Honor ruled  
with the defence, but put the same ques-  
tion in another form, and it was answered  
by the witness in the negative. Then Mr.  
Howe rolled up his sleeves (metaphorically  
and literally)

His purpose was to show that Keen  
played up to Thorn as regards the discus-  
sion about the dagger and the useless  
cartridges; but he only succeeded in bring-  
ing out that the latter subject was men-  
tioned far back in April. Mr. Youngs then  
allowed the witness to go, and it must be  
admitted that the defence was more suc-  
cessful than it ought to have been in keep-  
ing back such important testimony which  
Keen was called to deliver, thereby weak-  
ening the evidence of premeditation which  
would have gone far to send Thorn to the  
chair.

The next witness, a barber acquaintance  
of Thorn, spoke of having seen a watch in  
the latter's possession after the murder,  
which, Thorn told him, he had "made out  
of a carriage ride."

He was followed by another gentleman  
of the same general appearance, who cre-  
ated a titter by almost mistaking a harm-  
less newspaper man, who was standing at  
the desk, for Thorn. He confirmed the pre-  
vious testimony, adding that the ride took  
place on June 25, and that Thorn's com-  
panion was a lady.

On the 26th Thorn had said that he was  
to meet some one on a matter of life and  
death that evening, and later, after going  
out, returned about 10 o'clock and remarked  
that he would next day be on the ocean.

This was all there was of importance in  
this witness's story, and he was not cross-  
examined. The question as to whether  
Thorn or Mrs. Nack killed Goldensuppe  
was little affected by these witnesses; an  
inference may be drawn from it as to pre-  
meditation, but it could easily be pool-  
pooned by the defence.

The Court Helps the Trial Along.

The State seems to find a good deal of  
difficulty in so framing questions as  
at once to observe legal forms and to elicit  
useful information. The Court, in these  
cases, often asks the proper questions him-  
self. The Judge is eminently fair and  
helpful in his rulings and co-operation, and  
both sides have reason to be grateful to him.

Karl Merich, keeper of the barber shop,  
testified that Thorn had never said any-  
thing about having immoral relations with  
Mrs. Nack, which confirms her statement  
in confession, so far as negative evidence  
may. This witness, a big man, was feeble  
in his English, but forcible in his inter-  
ferences, his "yes" and "no" came like blows

of a hammer. He identified a letter which  
had been in question on Wednesday, but  
little impression was made on the jury,  
who are not always aware precisely what  
the State is aiming to develop. Mr.  
Youngs is suffering from a severe attack  
of malaria, and only his determination  
keeps him in the ring.

Daily, clerk at Maloney's hotel, showed  
that Thorn registered there on June 18,  
under the name of Mueller, and was fre-  
quently in the hotel, and that Gotha,  
also under a false name, was staying there  
at the same time.

These minor links in the chain were  
forging while we awaited the return to the  
stand of Captain O'Brien, whose cross-ex-  
amination was still to come; the State  
wishing to have that over before proceed-  
ing to clinch their case.

The Captain now took the chair; but Mr.  
Howe demanded the production of Mrs.  
Nack before he would go on. After a little  
delay, during which the audience mur-  
mured in animated anticipation, she came  
in, accompanied by her counsel, Mr. Friend,  
and looking much the same as on Wednes-  
day.

Howe Anxious About "That Woman."

The interesting question as to whether or  
not Mrs. Nack would testify in this trial  
now came up. After O'Brien, in answer to  
Howe, had identified "that woman," Howe  
asked that he be required to be present  
"when Mrs. Nack testifies." His Honor  
said he had no power to compel the Cap-  
tain's attendance. Mr. Weller waived the  
technicality, and would allow the Captain  
to come.

"Will she be examined to-day?" asked  
Howe.

"I cannot tell you that," said Weller.  
"Well," he added after a moment, "I will  
say that she will not be called to-day."

Further conversation developed the im-  
plicit assurance that she would be called  
next week; much to Mr. Howe's satisfac-  
tion, who would be impossible were he  
deprived of the opportunity to read "that  
woman" libel from libel.

Sergeant Macintyre was put on the stand  
to repeat the two stories that Thorn told  
O'Brien and him after his arrest; and he  
did it in a faultless manner, and at full  
length. It resumed the prisoner's account  
of himself during the critical period in a  
clear and consecutive form.  
Mr. Howe had nothing to ask him except  
whether, when he saw Mrs. Nack at the  
time of the arrest, she was not dressed in  
colors and had her cheeks painted. The  
Sergeant replied that she had some color in  
her hat and looked in better health than  
she did to-day. It would be amusing to  
watch these indirect attacks upon Mrs.  
Nack by the lawyer were the issue in-  
volves less serious. They seem hardly  
within the limits of court room propriety.

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## CUBA SCORNS SPAIN'S TERMS OF PEACE.

No Plan to Give  
to Cuba  
Mere Autonomy  
Will Do.  
Spanish Rule  
Must End.  
Patriots Say  
Spain Is  
Already Wary  
and Has  
No More Sol-  
diers, Therefore  
She Offers Law.



Domingo Mendez Capote, President of Cuba Libre.

Ringing Words  
Uttered  
by Brave Men.  
No Flag  
That Flies for  
Butchery  
Shall Float  
in Cuba  
While Their  
Swords  
Can Strike It  
Down.

### SENTIMENTS THAT RING.

Independence or death has been,  
is and will be our sacred and indis-  
putable watchword.

The struggle will not disappear  
until the flag that has covered so  
many injustices, has presided over so  
many butcheries and has covered  
and protected so many iniquities  
shall be hauled down from Cuba.

Our institutions have worked as in  
a pacified and regularly constituted  
country. What we do now in open  
warfare is a sure guarantee of what  
we will do in times of peace. What  
we are is a guarantee of what we  
will be.—Extracts from Cuba's an-  
swer to Spain.

THE representatives of the Cuban people to all those who interest themselves for the liberty and future  
of Cuba.

A mandate of the constitution of the 16th of September, 1895, has united us into a constituent as-  
sembly. We have deliberated with amplitude in complete and unfaltering tranquillity on all the objects of the  
meeting, and we do not wish to depart without directing our voices in moments so solemn to all those who in  
some way interest themselves in the affairs of our country.

When the enemy seems to abandon its system of "Answering war by war," which means the use of all  
mediums which iniquity suggests, to terminate the war by political means," which signifies as much as to sub-  
stitute cruelty for perfidy, we must in fearless, unspeakable manner ratify once more our firm and decided de-  
termination to sustain the struggle which the Cubans are maintaining so desperately against Spain.

Whoever has followed with attention the course of our events for fifty years previously will positively  
know the end by which in such an inflexible manner our conduct inspired. He who knows the true situation of  
Cuban affairs cannot be misled.

No special laws, nor reforms, nor autonomy, nothing that supposes under whatever  
name, form or manner the subsistence of the Spanish domination in Cuba, can terminate  
the actual struggle. Independence or death has been and will be our sacred and indis-  
putable watchword.

We have not taken arms requesting political measures, which will never resolve the question which, with  
the ruin of our properties, the abandonment of our homes and the exposure of our lives, we are ventilating.

Nor does Spain itself ignore the incompatibility which has existed and exists between Spaniards and Cu-  
bans.

It sustains us in the struggle, and it will not disappear until the flag that has covered  
so many injustices, has presided over so many butcheries and has covered and protected so  
many iniquities shall be hauled down from Cuba. Between Cuba and Spain there extends  
a bottomless ocean of tears; there boils an immense sea of blood, and there is an impass-  
able mountain of hatred.

This is why we wish the absolute and immediate independence of all the island of  
Cuba. We desire to constitute a free ordained, prosperous and happy people on the ruins  
of an exhausted colony.

This we have stated in all tones and repeated everywhere. It was said in the manifest of Monte Cristo,  
which is the programme of this revolution; it was sanctioned expressly in the constitution signed at Jimaguayu  
and ratified by the law which we have to-day promised to keep and in defence of which we have sworn our di-  
gnity and our life. The attitude assumed by the Spaniards has not misguided nor will misguide us. Those that  
even yesterday condemned contemptuously the autonomous solution which signified to them the independence  
of Cuba offer it to-day as an extreme resource with which to attract us to its ominous tyranny.

Afterward we would become again strangers in our own land; strangers in our own homes;  
eternally expelled. Concession of autonomy! A bait to sustain a situation which is crumbling.  
With autonomy or without autonomy, they ordering, we always obeying; they the owners, we the  
slaves of 400 years. They do not even try to hide their true purposes.

They have all said, "Let us grant the autonomy as a way to obtain peace; once obtained, the normal state  
of things will return." That is to say, the same situation which made us defy the power of the metropolitans  
will return. The logical process of its wishes can already be seen. Now the rabid Conservatives and the so-  
called Reformists have become autonomists. Now their purpose can clearly be seen. It is to establish an au-  
tonomy on the Spanish principle, by the Spaniards and for the Spaniards.

We do not care. The matter has been decided in our favor by facts against which no abilities of trick-  
eries can prevail.

The situation in which the war has placed Cuba and Spain does not permit any other solution but inde-  
pendence. Spain cannot sustain any longer a venture which is debilitating and draining her life blood uselessly.

The offer made to-day is an explicit declaration of its impotency. The Spaniards send us  
laws when they cannot send any more soldiers. They try to negotiate peace when they can-  
not continue the war.

Cuba, ruined, burdened by an enormous debt, with the prospect of a costly military occupation, handed  
to the most dishonorable Administration; oppressed by a tariff that prevents the expansion of its natural  
riches; living with misgivings in tranquillity and misery; that is what is pretended.

Only a complete separation will permit Cuba to unload itself of its debt, to organize a simple adminis-  
tration, dictate the economical laws required by its necessities, and guarantee the indispensable peace nec-  
essary to develop its moral and material interest. Without it Cuba will always be a hotbed of discontent, a  
field of incessant trouble and a theatre of interminable convulsions.

The people that sustained the legendary war of the ten years, which brooded again alone and against all  
manner of obstacles, which practised its constitutional right in the midst of innumerable difficulties created  
with the intent to exasperate, and that sustain the present struggle, have a right to ask that they shall be  
considered and respected.

Within a normal state which a revolution supposes we are giving lessons of order and stability to our  
proud progenitors. While they are rapidly passing from one situation to another, changing politics and  
proceedings, and frequently changing the leaderships in their army, we have only had but one law, the constitu-  
tion of Jimaguayu, one political policy. We will carry on the war until independence is obtained; one course,  
generosity and pardon; one sole government, that designated by our constituents; one superior chief in the  
army, the hero of Palaseco and Maltampo.

Our institutions have worked as in a pacified and regularly constituted country. What  
we do now in open warfare is a sure guarantee of what we will do in times of peace.  
What we are is a guarantee of what we will be. We have to vanquish, and we will  
vanquish. We will not retreat when the realization of the ideals of three generations  
are so close at hand.

We would be degraded in the estimation of all if, after having launched the country into a desperate  
struggle, which has brought its ruin and misery, which has killed the flower of the Cuban manhood, which has  
carried ruin and desolation to all our homes, we should retreat to return beggars, ashamed and humiliated, sup-  
porting a yoke which signifies degradation and debasement.

Only with victory or with death will we leave the fields of Cuba Libre.  
LA YAYA, Camaguey, Octubre 26, de 1897. Signed: DOMINGO MENDEZ CAPOTE, President; J. LA-  
CRET MOLOTO, Vice-President; COSME DE LA TORRE, J. FERNANDEZ RONDAN, T. PADRO  
GRINAN, J. FERNANDEZ DE CASTRO, LOPE RECIO L., MANUEL RODRIGUEZ GUENTES, MANUEL  
P. SILVA, NICOLAS ALBERDI, SALVADOR CISNEROS Y. B., LUCAS ALVAREZ Y CERTICE, M. DES-  
PAIGNE, PEDRO MENDOZA, ANDREAS MORENO DE LA TORRE, FERNANDO FREYRE, ERNESTO  
FONT STERLING, MANUEL F. ALFONSO, JOSE B. ALEMAN, FUSERIO HERNANDEZ, C. M. DE CES-  
PEDES, Secretary: AURELIO PHEVIA, Secretary.

## SHEEHAN SAYS HE WILL NOT RETIRE.

Will Support Sena-  
tor Murphy for  
State Leader.

DESERVES IT.

Sees No Prospect of a  
Fight in State or  
Primaries.

Thinks District Leaders Will Be Re-  
elected and Doubts If Hill Will Be  
a Candidate for the Senate.



John C. Sheehan.

John C. Sheehan will not retire from the leadership of Tammany Hall.  
He made this announcement to the Journal yesterday, in order to dismiss  
rumors of his retirement that have been afloat and have been within the  
last few days the subject of speculation in Tammany Hall.

The Tammany leader also announced his intention to support Senator  
Edward Murphy, Jr., in the threatened rivalry over the State leadership  
and the United States Senatorship between the Senator and Former Sena-  
tor David B. Hill. His choice for leadership in the Assembly is Daniel E.  
Fign, of the Battery district, and he believes that Hugh J. Grant would  
be a good and winning candidate for Governor if the selection should fall  
on him.

"I shall not retire from the leadership  
of Tammany Hall," said Mr. Sheehan. "I  
have never had any such intention, nor  
have I even thought of the possibility of  
retiring. I noticed to-day that the World  
had me out and another man in. There's  
no truth in it. Tammany Hall never made  
that newspaper its mouthpiece."

"Will there be any contest over the lead-  
ership in the primaries to be held late in  
December?"

"I have heard nothing to indicate that  
there will be any contest on any office  
in the organization, unless a local fight  
should arise over the leadership in the  
Second Assembly District. I have no in-  
formation about a fight there except  
what the newspapers have said about it.  
As to the chairmanship of the Finance  
Committee—the office which I now hold—I  
am not at this time aware of any candi-  
dates in the field."

"What changes are likely to be made in  
the personnel of committees?"

"None. There is no talk of change in  
the district leaderships. The great vic-  
tory of the organization has shown that  
the present district leaders are alive to the  
importance of their positions and know  
how to put up a successful fight. They  
all did good work in their districts. It  
would be difficult to say who did the best  
work. Changes in the district leadership  
would seem to be unnecessary and un-  
desirable when the present leaders contrib-  
uted so uniformly to the success of the  
ticket. I think the district leaders will  
be re-elected without opposition."

"Is there likely to be a change in the  
chairmanship of the General Committee?"

"The fact that Augustus W. Peters, the  
present chairman, has been elected presi-  
dent of Manhattan Borough will not affect  
his position at the head of the General  
Committee."

"Will Tammany Hall as an organization  
take an especially active part in State po-  
litics?"

"I have nothing to say about that. I will  
say, however, that Senator Edward Mur-  
phy, Jr., ought to be returned to the  
United States Senate, and the efforts of  
all Democrats should be directed toward  
the election of a Democratic Legislature  
committed to his return. I have great re-  
spect for the ability of Senator Murphy,  
and believe his public services should be  
rewarded by a re-election. I think this  
is also the opinion of Democrats through-  
out the State. I do not believe he will  
have an opponent if a Democratic Legis-  
lature is elected."

"I have not talked with Former Senator  
Hill, nor heard in any way except through  
the newspapers that he has ambition to  
succeed Senator Murphy. I doubt if he  
will be a candidate. The conditions with-  
in the Democratic organization do not fa-  
vor his candidacy as against Senator Mur-  
phy. This will probably be made clear by  
the course of events before the time for  
the real contest comes around. Senator  
Murphy is strong, not only with State but  
city Democrats, and now that the ques-  
tion of a possible fight on him has been  
raised his followers will rally to his sup-  
port."

"There is no occasion for fault-finding in  
either the State or city Democratic situ-  
ation. When the Legislature convenes the  
Democratic minority will be found working  
in harmony to carry out the policy of the  
party. Any contest over the minority lead-  
ership in the Assembly will be within the  
party, and will not lead to divisions of any  
importance. Daniel E. Fign is the natural  
minority leader. He has done good work  
in the Assembly before, and would be an  
effective and successful leader. He should  
be rewarded for his services to the party  
by election as leader if he wants the  
place."

"How about Hugh J. Grant for Gov-  
ernor?"  
"He would make a good Governor. He

has already made his public record, and it  
is a good one."

Mr. Sheehan would not discuss the rumor  
that Mr. Croker intends to oppose his re-  
election as leader.

### DEATH BEFORE AUTONOMY

General Diaz Writes to the Journal of the  
Determination of the Sixth  
Army Corps.

Port Tampa, Fla., Nov. 26.—The follow-  
ing letter was received here to-day for  
transmission to New York:  
Encarnacion de America, Cuba, Nov. 18.  
Editor New York Journal:

As soon as we had notice that the Gov-  
ernment of Sagrada had the intention to  
give autonomy in this island, all the com-  
manders of this, the Sixth Corps of the  
Cuban army of deliverance, made protest  
and drew up a document declaring that  
we will never accept it, and will fight to  
the last for independence or death.

The Spanish army has commenced the  
campaign of the season and we have fought  
with them men on the 11th, 11th and 12th  
of this month. They retreated with a loss  
which we estimate at 200.

PEDRO DIAZ,  
Major-General Commanding Sixth Corps,  
Cuban Army of Deliverance.

### A FAITHFUL STEWARD.

After Many Years George W. Folsom Re-  
ports an Increase from \$468,627.83  
to \$1,780,234.30.

The report of Richard M. Henry, as  
referee to pass on the accounts of George  
W. Folsom, committee of the person and  
estate of his insane sister, Margaret W.  
Folsom, was filed in the County Clerk's  
office yesterday.

The referee finds that \$700,000 has been  
expended in the care and treatment of  
Margaret W. Folsom, and that the estate  
has been so well managed that its value  
on January 1, 1897, was \$1,780,234.30.

When the committee took charge its  
value was \$468,627.83.

The referee concludes by saying that the  
manner in which George W. Folsom has  
cared for and managed the estate is simply  
admirable.

### CAPTAIN PETTY ACCUSED.

Mrs. Elizabeth Merrill Says He Got Her  
Indicted by Means of a Forged  
Indictment.

A charge of perjury and forgery was  
made yesterday in General Sessions against  
Acting Police Captain Petty, formerly of  
the Maudslayi street station. The com-  
plainant is Mrs. Elizabeth Merrill, of No.  
49 Greenwich street, who was six times  
arrested by Petty for keeping a disorderly  
house. Some of these cases were dismissed  
in the police court, and on one of the  
others, she alleges, Petty had the woman  
indicted by means of perjury and forged  
affidavits.

Through her attorney, Mrs. Merrill has  
asked for an inspection of the minutes of  
the Grand Jury for December last. In  
support of the motion there was offered an  
affidavit from Policeman Gerow, who assisted  
in the arrest of the woman. Gerow  
avows that Captain Petty wanted him to  
swear falsely in order to bring about the  
indictment. Gerow refused. He now  
charges that an affidavit on the case sub-  
mitted to the Grand Jury in his name was  
a forgery. Gerow also charges that Polle-  
man Whenton, who was concerned in the  
arrest, swore falsely before the Grand  
Jury.

At the hearing on the indictment ob-  
tained on the charges of Captain Petty,  
Mrs. Merrill was discharged.

### MEASLES SPOIL A BALL.

All the Girls in Stroudsburg Were Strick-  
en with the Disease, and There W

No Fair Partners at the Dance.

Stroudsburg, Pa., Nov. 26.—There ap-  
pears to be an epidemic of measles among  
the young ladies of this town, and the young  
men are anxious.

A dance had been arranged by the Im-  
perial Orchestra of this town for Thurs-  
day evening, to come off in the Central  
Hall.

At the time for the opening no ladies  
appeared, and investigation found that  
almost all the members of the fair sex  
invited had been stricken with measles,  
and could not leave their homes.